IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 991 of 2007()

CC.645/2006 of C.J.M.C,KASARAGOD
.....

PETITIONER/ACCUSED:

P.H.RIYAS @ RIYAS AHAMMED,
S/O.LATE P.H.ABOOBACKER, AMEEN HAMZA MANZIL,
MOGRAL PUTHUR, MOGRAL PUTHUR, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENT/ COMPLAINANT:

STATE OF KERALA, REP. BY OF THE
SUB INSPECTOR OF POLICE, KASARAGOD POLICE
STATION, REP. BY THE PUBLIC PROSECUTOR,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 991 OF 2007

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DATED THIS THE 20th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 10th accused in Crime No.705/2000 of Kasargod Police Station for offences punishable under sections 143, 147, 148, 324, 427 and 153A read with section 149 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner and 5 others in C.C.No.499/02 on the file of the C.J.M,., Kasargod, the case against them was split up and re-filed as C.C.No.645/06. The petitioner has a contention that the co-accused in the case have been acquitted after trial. That is not a ground relevant for consideration by this court in a petition for anticipatory bail. There is no reason why the petitioner should not surrender before the C.J.M., Kasargod and seek regular bail. Accordingly, if the petitioner surrenders before the C.J.M., Kasargod and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining

the explanation offered by the petitioner for his previous non-appearance and also after considering his contention that the co-accused in the case have been acquitted after trial.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn